

**STAFF REPORT**  
**City of Lancaster**

CC 17
03/25/08
MVB

Date: March 25, 2008

To: Mayor Hearn and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Proposed Annexations to Lancaster Lighting Maintenance District  
Annexation Nos. 683, and 803**

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**Recommendation:**

- a. Adopt Resolution No. 08-27, initiating proceedings for the annexation of territories into Lancaster Lighting Maintenance District, an Assessment District established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIID (Annexation Nos. 683, and 803);
- b. Adopt Resolution No. 08-28, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Lighting Maintenance District and to levy and collect assessments pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California and California Constitution Article XIID (Annexation Nos. 683, and 803).

**Fiscal Impact:**

Estimated annual maintenance cost for each project is shown on Attachment A and has been paid by the Developers, subsequent costs will be assessed against the benefiting properties.

**Background:**

Annexation of the property is required to provide for the costs of maintenance of the improvements within the District.

Pursuant to the provisions of the Landscaping and Lighting Act of 1972 of the California Streets and Highways Code (the Act), Section 22500 et seq.; the City may annex territory into an existing maintenance district to provide for the continued maintenance of lighting improvements. This places the cost of maintaining the improvements upon the property owners directly benefiting from them.

In accordance with State Law, an Engineer's Report, including diagrams and assessments has been prepared indicating the property to be benefited and the amount of the assessment to each individual property. Annual assessments may be levied by the City for each succeeding fiscal year. State Law requires that the property owners within the area to be annexed and assessed be noticed 45 days in advance of the public hearing scheduled for March 25, 2008.

In response to the City's conditions of its approval of the Projects, the Developers have executed

and filed petitions with the City Council wherein the Developers have, among other things, proposed to improve the Improvement Areas and have requested the annexation of the Property into the Lancaster Lighting Maintenance District to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereon. The Developers are the sole owners of the properties being annexed. By signing the petitions, the Developers have waived the 45-day advance notice of public hearing, conducting a public meeting, noticing, and the right to majority protests at the public hearing. Additionally, the Developers have submitted assessment ballots in favor of the annexations.

ATTACHMENT A

Lancaster Lighting Maintenance District Annexations

Annexation No.	Project	Location	Developer	Estimated Annual Maintenance Cost
683	Permit No. 06-01227	3645 Camino Vista (single -family residential)	Stephen L. Payte and Lari L. Payte, husband and wife as community property with right of survivorship	\$80.56
803	conditional use permit no. 85-09	44662 15th Street West (commercial)	Desert Christian Ministries, Incorporated, a California Non-Profit Religious Corporation	\$322.24

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORIES INTO THE LANCASTER LIGHTING MAINTENANCE DISTRICT, AN ASSESSMENT DISTRICT ESTABLISHED PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND CALIFORNIA CONSTITUTION ARTICLE XIID (ANNEXATION NOS. 683, AND 803)

WHEREAS, the petitioners (hereinafter referred to as the "Developers"), are the sole owners of that certain real property located in the City of Lancaster, County of Los Angeles, State of California, more particularly described in the petitions on file in the City Clerks' Office (hereinafter referred to as the "Property"); and

WHEREAS, the Developers are developing the Property as described in the petitions on file in the City Clerk's Office (hereinafter referred to as the "Projects");

WHEREAS, as a condition to its approval of the Projects, the City of Lancaster (hereinafter referred to as the "City") has required that those certain areas within the Projects, as more particularly indicated as Lighting Improvement Areas (hereinafter referred to as the "Improvement Areas") be improved with lighting and related improvements to a standard acceptable to the City, and that Developers provide a means satisfactory to the City for assuring the continued maintenance, operation, and servicing of the Improvement Areas and the improvements thereon; and

WHEREAS, in response to the City's conditions of its approval of the Projects, the Developers have executed and filed petitions with the City Council wherein the Developers have, among other things, proposed to improve the Improvement Areas and have requested the annexation of the Properties into the Lancaster Lighting Maintenance District (hereinafter referred to as the "District") to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereon. Copies of the petitions are on file in the City Clerk's Office; and

WHEREAS, the City desires to initiate proceedings for the annexations pursuant to and in accordance with the provisions of the "Landscaping and Lighting Act of 1972" as set forth in Part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California and Article XIID of the California Constitution, to annex the Property into the District in order to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all improvements thereto, and for the payment of all costs and expenses incurred for same; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexations and assessments can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the public hearing, and a ballot for voting purposes; and

WHEREAS, the California Civil Code, Section 3513, allows anyone to waive the advantage of law intended solely for his benefit; and

WHEREAS, the Developers as the sole owners of the real property to be benefited by the maintenance, operation, and servicing of the improvement areas waive all statutory notices of public meeting and public hearing, conducting a public meeting, and all statutory hearings of objections and protests by interested property owners; and

WHEREAS, the Developers have submitted assessment ballots in favor of the annexations and assessment. Copies of the ballots are on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. Pursuant to Section 22585 and 22605 of the Streets and Highways Code of the State of California, the City hereby proposes to annex, and does initiate proceedings for the annexation of the Properties into the District, to provide for the continued maintenance, operation, and servicing of the Improvement Areas, and all lighting improvements thereon as defined in Section 2 below, and for the payment of all costs and expenses incurred for such maintenance, operation, and servicing.

Section 2. The improvements to the Improvement Areas shall include such light standards, masts, lamps and appurtenant structures (hereinafter referred to as the "Lighting Improvements") as have been required by the City. All costs of constructing or otherwise installing the Lighting Improvements shall be borne by the Developers.

Section 3. To ensure that the costs and expenses of maintaining, operating, and servicing the Improvement Areas and the Lighting Improvements thereon, are borne by the owners of the property to be benefited thereby, the City resolves that the proposed annexations shall consist of the Property referenced in the recitals hereinabove.

Section 4. The improvements shall consist of the costs and expenses of maintaining, operating, and servicing the Improvement Areas and the Lighting Improvements thereon.

Section 5. The City hereby directs the City Engineer to prepare a Report pursuant to State Law to include diagrams for the District and assessments showing the areas to be annexed, benefited, and assessed for the improvements. The City Engineer is further directed to file the Report with the City Clerk.

Section 6. The distinctive designation for the proposed annexations to the assessment district pursuant to this Resolution shall be "Lancaster Lighting Maintenance District, Annexation Nos. 683 (3645 Camino Vista), and 803 (44662 15th Street West."

Resolution No.

Page 3

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
HENRY W. HEARNS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF LANCASTER            )

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. \_\_\_\_\_, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_

REGARDING LEVYING OF AN ASSESSMENT FOR  
LANCASTER LIGHTING MAINTENANCE DISTRICT  
ANNEXATION NOS. 683, AND 803

FOR LIGHTING MAINTENANCE PURPOSES PURSUANT TO  
PROVISIONS OF THE LANDSCAPING & LIGHTING ACT OF 1972  
PART 2, DIVISION 15,  
(SECTION 22500 ET SEQ. OF THE STREETS & HIGHWAYS CODE  
STATE OF CALIFORNIA)  
AND  
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Prepared by

ASSESSMENT DISTRICT ENGINEER  
CARLYLE S. WORKMAN, R.C.E. 45024

City of Lancaster  
44933 North Fern Avenue  
Lancaster, California 93534

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ATTEST

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GERI K. BRYAN, CMC, City Clerk  
City of Lancaster

By action of the City Council of the City of Lancaster, a Resolution was adopted initiating proceedings for Annexation Nos. 683, and 803 (hereinafter referred to as the "Annexations") to Lancaster Lighting Maintenance District (hereinafter referred to as the "District") for the payment of all costs required to

CITY ENGINEER  
LANCASTER LIGHTING MAINTENANCE DISTRICT  
ANNEXATION NOS. 683, AND 803  
ENGINEER'S REPORT

provide for the continued maintenance, operation, and servicing of lighting improvements pursuant to provisions of the Landscaping & Lighting Act of 1972 being Part 2, Division 15 (Section 22500 et seq.) of the Streets & Highways Code of the State of California and in addition, the City Engineer was directed to prepare a written Engineer's Report and file it with the City Clerk pursuant to Section 22565 of the Streets & Highways Code and Article XIID of the California Constitution. This report was prepared in response to that directive.

Plans and Specifications indicating the general nature, location, and extent of improvements are or will be on file with the City Engineer of the City of Lancaster and are hereby made a part hereof by reference. The attached Exhibits "A" identify the territory proposed to be annexed into the District. The revenue derived from the proposed assessments will be used to maintain, operate, and service the lighting improvements within the District.

State Law indicates that an assessment district shall consist of all territory which, as determined by the legislative body, will receive special benefit from the improvements and is to be assessed to pay the costs thereof.

All of the area within the District receives special benefit by the lighting improvements installed within the District. The cost of maintenance, operation, and servicing of the improvements in the District is to be assessed according to the Basis of Benefit Proportioning previously approved by the City Council. The amount of the proposed assessment for each parcel is as shown on Exhibit "D" which is attached hereto and which is made a part hereof.

The annual aggregate amount of the assessment and the estimated annual cost of providing maintenance, operation, and servicing of the lighting improvements is shown on Exhibit "C" which is attached hereto and which is made a part hereof. All revenue derived from the assessment will not be used to pay the cost of any service other than the service for which the assessment is levied.

Diagrams of Proposed Annexation Exhibits "B" indicating the boundary of the property being annexed and assessed are attached hereto and made a part hereof.

EXHIBIT "A"

LANCASTER LIGHTING MAINTENANCE DISTRICT



ANNEXATION NO. 683

LOT 25, OF TRACT NO. 44167, AS PER MAP RECORDED IN BOOK 1110 PAGE(S) 27 TO 33 INCLUSIVE OF MAPS, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM 50% OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE, WITHOUT HOWEVER, THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED RECORDED MARCH 25, 1957 AS INSTRUMENT NO. 2044 IN BOOK 54052 PAGE 290, OFFICIAL RECORDS, AND MARCH 28, 1957 AS INSTRUMENT NO. 2045 IN BOOK 54052 PAGE 289, OFFICIAL RECORDS.

EXHIBIT "A"

LANCASTER LIGHTING MAINTENANCE DISTRICT  
ANNEXATION NO. 803

PARCEL 1 OF PARCEL MAP NO. 25858 AS PER MAP FILED IN BOOK 313 PAGES 16  
AND 17 OF MAPS IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES,  
STATE OF CALIFORNIA.

EXHIBIT "B"

LANCASTER LIGHTING MAINTENANCE DISTRICT

**DIAGRAMS**

EXHIBIT "C"

LANCASTER LIGHTING MAINTENANCE DISTRICT  
ANNEXATION NOS. 683, AND 803

ANNUAL MAINTENANCE, OPERATION AND SERVICING ESTIMATE

		Annexation No. 683
Total Funds Required		\$80.56
Funds to be Raised Through Assessment		\$80.56
		Annexation No. 803
Total Funds Required		\$322.24
Funds to be Raised Through Assessment		\$322.24

EXHIBIT "D"

ASSESSMENT FOR  
LANCASTER LIGHTING MAINTENANCE DISTRICT  
ANNEXATION NOS. 683, AND 803

ASSESSMENTS

Annexation No.	Assessor Map Book	Page	Parcel	Lots/Units	Assessment
683	3111	018	031 and 032	1 lot	\$80.56
803	3122	008	024	1 lot	\$322.24

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND THE TIME AND PLACE FOR PUBLIC HEARING, AND DECLARING ITS INTENTION TO ANNEX TERRITORIES INTO LANCASTER LIGHTING MAINTENANCE DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS PURSUANT TO PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA (ANNEXATION NOS. 683, AND 803)

WHEREAS, the City Council has, by Resolution No. \_\_\_\_\_, initiated proceedings for the annexation of territory into Lancaster Lighting Maintenance District, generally described any proposed new improvements, and ordered the City Engineer to prepare a report relative to Lancaster Lighting Maintenance District (Annexation Nos. 683, and 803) (hereinafter referred to as "the District") pursuant to the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (hereinafter referred to as "the Act"); and

WHEREAS, the City Engineer has prepared said Engineer's Report and filed the same with the City Clerk, and said City Clerk has presented said Engineer's Report to this City Council for consideration; and

WHEREAS, the City Engineer has prepared diagrams (Exhibits "A") showing the boundaries of Annexation Nos. 683, and 803, and said diagrams have been filed with the City Clerk, and the City Clerk has presented said diagrams to this City Council for consideration; and

WHEREAS, the Engineer's Report and the diagrams have been filed with the City Clerk and are open to the public for inspection and may be referred to for all details regarding the improvements, the boundary of Annexation Nos. 683 (3645 Camino Vista), and 803 (44662 15th Street West) the assessments, total costs, and a description of the parcels to be assessed; and

WHEREAS, the property proposed to be annexed shall be assessed for the first time (i.e., a new assessment; and

WHEREAS, State Law sets forth a procedure that must be followed in order to levy a new assessment; and

WHEREAS, said procedure requires the City Council to adopt a resolution declaring its intention to levy and collect assessments within the District including Annexation Nos. 683, and 803 for each fiscal year that an assessment is to be levied after the approval of the Engineer's Report; and

WHEREAS, State Law requires that a public meeting and a public hearing be held before the annexation and assessment can be approved; and

WHEREAS, State Law requires that property owners of the property subject to the annexation and assessment be given written notification of the meeting and hearing 45 days in advance of the Public Hearing, and a ballot for voting purposes; and

WHEREAS, notices have been prepared in accordance with State Law for notification and are on file in the City Clerk's Office; and

WHEREAS, the California Civil Code, Section 3513, allows anyone to waive the advantage of law intended solely for his benefit; and

WHEREAS, the Developers as the sole owners of the real property to be benefited by the maintenance, operation, and servicing of the improvement areas waive all statutory notices of public meeting and public hearing, conducting a public meeting, and all statutory hearings of objections and protests by interested property owners; and

WHEREAS, the Developers have submitted assessment ballots in favor of the annexations and assessment.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. Said Engineer's Report be and the same is hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said Engineer's Report and to file said Engineer's Report in the office of the City Clerk.

Section 2. Said diagrams be and the same are hereby approved, the City Clerk is hereby directed to endorse the fact and date of such approval on said diagrams and to file said diagrams in the office of the City Clerk.

Section 3. Said notices are hereby approved.

Section 4. March 25, 2008 at 6:00 p.m. in the City Council Chambers, City of Lancaster is hereby fixed as the time and place of said public hearing for approval of Annexation Nos. 683, and 803 into, and enactment of the proposed assessment for, Lancaster Lighting Maintenance District.

Section 5. This Council hereby declares its intention pursuant to and in accordance with the provisions of State Law to annex territories into the District and to provide for the servicing and maintenance of all street lighting improvements within the District. Further this Council hereby declares its intention to levy and collect assessments to pay all the costs and expenses incurred for the Fiscal Year 2007-2008, pursuant to and in accordance with the provisions of State Law. The proposed assessments are more particularly described in the Engineer's Report on file with the City Clerk.

Section 6. Generally, the proposed improvements are maintenance, servicing, and energy costs for street lighting within the District.

Section 7. The City Clerk shall notice the hearing in accordance with Section 22626 of said Act and Section 6061 and 54954.6 of the Government Code of the State of California and Article XIID of the California Constitution.

Resolution No.

Page 3

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
HENRY W. HEARNS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF LANCASTER            )

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. \_\_\_\_\_, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_